

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been
 filed in the U.S. District Court New Jersey on the following ☒ Patents or ☐ Trademarks:

DOCKET NO. 3:08-cv-2965 (GEB)	DATE FILED 6/16/2008	U.S. DISTRICT COURT New Jersey
PLAINTIFF PharmaNet, Inc. and PharmaNet, LLC		DEFENDANT DataSci Limited Liability Company
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 6,496,827		SEE ATTACHED COMPLAINT
2		
3		
4		
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

WILLIAM T. WALSH	BY DEPUTY CLERK <i>Melissa Haneke</i>	DATE 6/17/08
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Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
 Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

PharmaNet, Inc.
504 Carnegie Center,
Princeton, NJ, 08540, and

PharmaNet, LLC
504 Carnegie Center,
Princeton, NJ, 08540,

Plaintiffs

v.

DataSci Limited Liability Company
18111 Prince Phillip Drive,
Suite T-114
Olney, MD 20810,

Defendant

Civil Action No. 08-cv-2965 (GEB)

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiffs PharmaNet, Inc. and PharmaNet, LLC (together with their parent company, "PharmaNet") complain as follows:

The Parties

1. Plaintiff PharmaNet, Inc. is a Delaware corporation with its principal place of business at 504 Carnegie Center, Princeton, NJ, 08540.

2. Plaintiff PharmaNet, LLC. is a Delaware limited liability company with its principal place of business at 504 Carnegie Center, Princeton, NJ, 08540.

3. Defendant DataSci Limited Liability Company ("DataSci"), is a Maryland limited liability company with its principal place of business at 18111 Prince Phillip Drive, Suite T-114, Olney, MD, 20810.

Nature of the Action

4. This is a complaint for declaratory judgments of non-infringement and invalidity of U.S. patent 6,496,827 (the "'827 patent").

Jurisdiction and Venue

5. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 because it arises under the laws of the United States, pursuant to 28 U.S.C. § 1332(a) because the matter in controversy exceeds the sum or value of \$75,000 exclusive of interest and costs and the parties are completely diverse, and pursuant to 28 U.S.C. § 1338(a) because it arises under an act of Congress relating to patents. The declaratory judgments sought are authorized by 28 U.S.C. § 2201(a).

6. This Court has jurisdiction over DataSci because, among other reasons, DataSci has continuous and systematic contacts within this judicial district and DataSci, either directly or indirectly, solicits and/or regularly conducts business in the State of New Jersey. Personal jurisdiction over DataSci is authorized under N.J. Court R. 4:4-4.

7. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b)(2) because a substantial part of the events or omissions giving rise to the claim occurred in this District, and pursuant to 28 U.S.C. § 1400(b).

The '827 Patent and DataSci's Attempts to License It

8. PharmaNet is a leading provider of clinical research services, including electronic data capture services, to companies that conduct clinical trials of drugs.

9. Electronic data capture concerns gathering and consolidating information about patients and new medications involved with clinical trials that may be conducted at many different locations.

10. The '827 Patent, which is assigned to DataSci, claims the invention of using the internet to do something akin to electronic data capture. The '827 Patent is attached as Exhibit A.

11. Upon information and belief, DataSci does not sell any products, does not have any dedicated employees, does not have a website, and DataSci's only business is to use the '827 patent to try to force electronic data capture companies to pay it money.

12. In 2004, DataSci sued its first electronic data capture company, Phase Forward, Inc., for infringement of the '827 patent.

13. In 2006, DataSci sued a second electronic data capture company, DataLabs, Inc., for infringement of the '827 patent.

14. In 2006, DataSci sued a third electronic data capture company, Document Solutions Group, Inc., for infringement of the '827 patent.

15. In 2006, DataSci sued a fourth electronic data capture company, eTrials, Worldwide, Inc., for infringement of the '827 patent.

16. In 2006, DataSci sued a fifth data capture company, DataTrak International, Inc., for infringement of the '827 patent.

17. In each of its suits, DataSci not only sought damages, but also sought a permanent injunction against the electronic data capture company.

18. Earlier this year, DataSci publicly said several new patent infringement lawsuits were "on the horizon." DataSci added that it was looking for companies who "want" to license its technology but will use legal channels if necessary.

19. On May 30, 2008, DataSci's lawyer sent PharmaNet a letter by Federal Express. The letter asserted that DataSci had rights under the '827 patent and solicited PharmaNet to pay for a license of the '827 patent.

20. The letter mentions by name four companies whom DataSci has sued and consequently licensed; it omits only the suit which DataSci lost.

21. The letter gave PharmaNet a deadline of June 20, 2008 to respond.

22. The letter says that DataSci's lawyer's "practice [is] limited to matters before federal courts." License negotiations are not usually "matters before federal courts," while patent infringement litigation is always before federal courts.

23. The letter is attached as Exhibit B.

24. The circumstances show that there is a substantial controversy between DataSci and PharmaNet, that they have adverse legal interests, and that the matter is of sufficient immediacy and reality to warrant the issuance of a declaratory judgment.

COUNT I
Declaratory Judgment of Non-Infringement

25. The plaintiffs incorporate the previous and subsequent paragraphs of this Complaint into this Count.

26. An actual controversy exists between the plaintiffs and the defendant regarding whether or not the plaintiffs have infringed or continue to infringe any claim of the '827 patent.

27. The plaintiffs are not infringing and have never infringed any claim of the '827 patent, either directly or indirectly, either literally or under the doctrine of equivalents.

28. The plaintiffs are entitled to a judgment declaring that they have never infringed and are not infringing any claim of the '827 patent, either directly or indirectly, either literally or under the doctrine of equivalents.

COUNT II
Declaratory Judgment of Invalidity

29. The plaintiffs incorporate the previous and subsequent paragraphs of this Complaint into this Count.

30. An actual controversy exists between the plaintiffs and the defendant regarding whether or not each claim of the '827 patent is valid.

31. Each claim of the '827 patent is invalid under 35 U.S.C. §§ 101, 102, 103, and/or 112.

32. The plaintiffs are entitled to a judgment declaring that each claim of the '827 patent is invalid.

Prayer for Relief

33. Wherefore, the plaintiffs pray that this Court enter judgment:

a. declaring that the plaintiffs have never infringed and are not infringing any claim of the '827 patent, either directly or indirectly, either literally or under the doctrine of equivalents;

b. declaring that each claim of the '827 patent is invalid;

c. declaring that the defendant is without right or authority to enforce or to threaten to enforce the '827 patent against the plaintiffs or against any other person; and

d. granting the plaintiffs such further relief as is appropriate.

Jury Demand

The plaintiffs demand a trial by jury on all issues.

Dated: June 16, 2008

Respectfully submitted,

DECHERT LLP

s/ Thomas P. Lihan

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LOCAL CIVIL RULE 201.1 CERTIFICATION

Under Local Civil Rule 201.1, the undersigned counsel for plaintiffs hereby certifies that plaintiffs seek declaratory relief, and therefore this action is not appropriate for compulsory arbitration.

DECHERT LLP
*Attorneys for Plaintiffs PharmaNet, Inc. and
PharmaNet, LLC*

Dated: June 16, 2008

s/ Thomas P. Lihan

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LOCAL RULE 11.2 CERTIFICATION

Pursuant to Local Rule of Civil Procedure 11.2, I certify that the matter in controversy is not the subject of any other action pending in any court, or of any pending arbitration or administrative proceeding.

Dated: June 16, 2008

s/ Thomas P. Lihan
Thomas P. Lihan